

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Louis S. Crocker , et al.

Serial No. To be assigned

Filed: September 12, 2003

For: Polymorphic, Amorphous and Hydrated Forms
of 5-Chloro-3(4-Methanesulfonylphenyl)-6'-
Methyl-[2,3]Bipyridinyl

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention.

In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

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DATE OF DEPOSIT 9-12-03
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By _____ Date _____

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE
10/342,379	January 14, 2003	20163CA
10/180,399	June 26, 2002	20163DA
09/724,522	November 28, 2000	20163

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

the attached information is filed within three months of the filing date of the captioned case.

the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.

the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,


 By: Raynard Yuro
 Attorney For Applicant(s)
 Reg. No. 45570
 MERCK & CO., INC.
 Patent Dept., RY60-30
 P.O. Box 2000
 Rahway, N.J. 07065-0907
 (732)594-0182
 Date: September 12, 2003

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(use as many sheets as necessary)

<p>Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE</p> <p>STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>				COMPLETE IF KNOWN	
				Application Number	TO BE ASSIGNED
				Filing Date	June 26, 2002
				First Named Inventor	Sophie D. Clas, et al.
				Group Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	20163DACB

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature _____ Date Considered _____

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

Sheet

2

of

2

Attorney Docket Number

COMPLETE IF KNOWN

<p>Substitute for form 1449B/PTO</p> <p>INFORMATION DISCLOSURE</p> <p>STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>		COMPLETE IF KNOWN	
		Application Number	TO BE ASSIGNED
		Filing Date	June 26, 2002
		First Named Inventor	Sophie D. Clas, et al.
		Group Art Unit	
		Examiner Name	
Sheet	2	of	2
		Attorney Docket Number	

NON PATENT LITERATURE DOCUMENTS

Examiner Signature _____ Date Considered _____

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